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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,083	10/12/2001	Jeffrey A. Dahl	M297.12-0234	1917

7590

07/28/2004

Joseph R. Kelly  
WESTMAN CHAMPLIN & KELLY  
International Centre - Suite 1600  
900 South Second Avenue  
Minneapolis, MN 55402-3319

EXAMINER

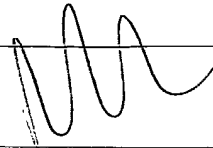
JOYCE, HAROLD

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/977,083	Applicant(s) DAHL ET AL. 
	Examiner Harold Joyce	Art Unit 3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7-12 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-12 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Marques et al. in view of Grinberg. Marques et al. discloses the claimed invention except for the fresh air vent terminating in the ambient atmosphere. Marques et al. states at column 3, lines 4-14 :

The crossmember has an inwardly facing surface 16 within which is formed an opening 17. The frame work of the cab further includes a seat frame 18 which supports a seat 19. The seat frame is spaced internally of crossmember 15 and has a rearwardly facing surface 29 which has an opening 21 positioned therein to line up with opening 17 formed in crossmember 15.

An air conditioning unit 22 is housed within the seat frame 18 which serves to control the environment of cab 11.

and further in lines 21-28:

The blowers draw air from an ambient air source A through inlets 14 of tubular posts 13 where it flows down the interior of the post and into crossmember 15. From within the crossmember the air exits through opening 16 and is directed through opening 21 in seat frame 18 whereupon it passes through the air conditioning components from treatment and dispersment.

Note, the claimed fresh air vent corresponds to the opening 21. Grinberg teaches that it is known to provide the intake portion to be in communication with ambient air as set forth at column 4, lines 30-32. It would have been obvious to one having ordinary skill

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in the art at the time the invention was made to relocate the inlet of Marques et al. so as it would terminate in the ambient atmosphere, as taught by Grinberg in order to prevent the air flow inlet from being located high on the cab, if the same is desired.

3. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marques et al. in view of Grinberg as applied above, and further in view of Wilson et al. Further, Marques et al. discloses the claimed invention except for the actuatable control inputs on the side of the modular system generally facing the seat and a dash with ducting therein. Wilson et al. teaches that it is known to provide controls on the wall of the air conditioning system generally facing the seat and a dash with ducting therein as set forth at column 3, lines 30-32 and column 2, lines 43-46. It would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the controls of Marques et al. on a wall which faces the seat and a dash with the air ducts therein, as taught by Wilson et al. in order to provide ease in excess thereto and hide the ductworks. Also, Marques et al. discloses the claimed invention except for the inlet vents being on opposite side of the modular ventilation system. Wilson et al. teaches that it is known to provide inlet vents on opposite sides of an air conditioner case assembly as set forth at column 2, lines 47-50. It would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the inlet vents of Marques et al. to opposite sides of the housing, as taught by Wilson et al. in order to uniformly remove air from the vehicle interior.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by

Marques et al. Marques et al. states at column 3, lines 4-14 :

The crossmember has an inwardly facing surface 16 within which is formed an opening 17. The frame work of the cab further includes a seat frame 18 which supports a seat 19. The seat frame is spaced internally of crossmember 15 and has a rearwardly facing surface 29 which has an opening 21 positioned therein to line up with opening 17 formed in crossmember 15.

An air conditioning unit 22 is housed within the seat frame 18 which serves to control the environment of cab 11.

and further in lines 21-28:

The blowers draw air from an ambient air source A through inlets 14 of tubular posts 13 where it flows down the interior of the post and into crossmember 15. From within the crossmember the air exits through opening 16 and is directed through opening 21 in seat frame 18 whereupon it passes through the air conditioning components from treatment and dispersement.

Note, the claimed fresh air vent corresponds to the opening 21.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1 and 11 have been considered but are moot in view of the new ground(s) of rejection.

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***Conclusion***

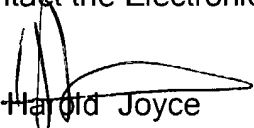
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold Joyce whose telephone number is (703) 308-0274. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on (703) 308-1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Harold Joyce  
Primary Examiner  
Art Unit 3749